



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 4440-00
8 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: YN3 [REDACTED],
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 16 Jun 00 w/attachments
(2) PERS-311 memo dtd 23 Aug 00
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the enlisted performance evaluation report for 17 March 1998 to 31 January 1999. A copy of this report is at Tab A to enclosure (1).

2. The Board, consisting of Messrs. Bishop, Lightle, and Pauling, reviewed Petitioner's allegations of error and injustice on 7 September 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.


b. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that her request has merit and warrants favorable action.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the following enlisted performance evaluation report and related material:

Date of Report	Reporting Senior	Period From	of Report To
11 Feb 99	 SN	17 Mar 98	31 Jan 99

b. That no memorandum be filed in Petitioner's naval record in place of the removed report, as it is not necessary for continuity.

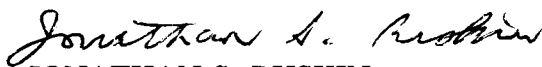
c. That appropriate corrections be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

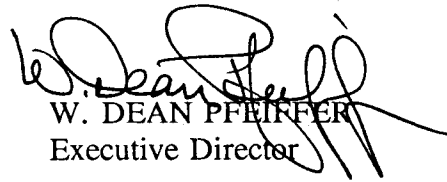
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
23 August 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of performance evaluation for the period 17 March 1998 to 31 January 1999.

2. Based on our review of the material provided, we find the following:

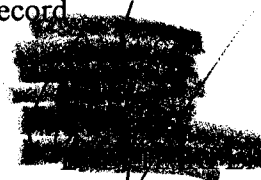
a. A review of the member's headquarters record revealed she was an E-4 at the time of the report. Since E-4 and below reports are not filed in the member's headquarters record, our comments are based on a certified copy of the report provided with the member's petition. The member signed the report acknowledging the contents of the report and her right to submit a statement. The member did not desire to submit a statement. Per reference (a), the member has two years from the ending date of the report to submit a statement.

b. The report in question is a Special/Regular report submitted to maintain regular report continuity. The member alleges the report was not required, as her Regular/Periodic report would not have exceeded the fifteen months between regular reports.

c. Per reference (a), Annex D, paragraph D-3, Periodic reports for E-4's is due annually on 15 June. The report in question is an invalid report. There was no requirement for a special report ending 31 January 1999 to maintain report continuity.

f. The member proves the report to be unjust or in error.

3. We recommend the performance evaluation for the period 17 March 1998 to 31 January 1999 be removed from the member's record

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Head, Performance
Evaluation Branch